



U.S. Department of Justice

Office of the Deputy Attorney General

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Washington, D.C. 20530

June 19, 2015

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EXECUTIVE SECRETARIAT  
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MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL *186*  
*7-27-15*  
*AS*

FROM: Andrew J. Bruck  
Senior Counsel to the Deputy Attorney General

SUBJECT: Renew MOU with National Institute of Standards and Technology to support the National Commission on Forensic Science (NCFS) and the Organization of Scientific Area Committees (OSAC)

PURPOSE: To recommend that the Attorney General renew the MOU for NCFS and OSAC

DISCUSSION: On March 25, 2013, the Department of Justice and the National Institute of Standards and Technology (NIST) entered into a Memorandum of Understanding (MOU) in support of the National Commission on Forensic Science (NCFS).

The attached MOU will renew the existing MOU with several modifications. It removes the prohibition on developing or recommending guidance regarding digital evidence, to reflect revisions to the Charter. It also clarifies DOJ's relationship with the Organization of Scientific Area Committees (OSAC), making clear that DOJ shall be consulted on the drafting of agendas but shall not have approval authority. Similarly, the MOU establishes that the Scientific Area Committees (described in the prior MOU as "guidance groups") do not report to the NCFS, so as to ensure compliance with the Federal Advisory Committee Act. NIST supports renewal as revised. JMD's Office of General Counsel, as well as the White House's Office of Science and Technology Policy (OSTP), have reviewed the final revised MOU and have not raised any objections.

Several Members of Congress have requested that DOJ and NIST release a copy of the revised MOU once signed. (The original MOU was never released publicly.) According to OIP, the signed MOU qualifies as a final agency document, and so is discoverable under FOIA. OIP, OLA, and JMD have not raised any objections to disclosure, and NIST supports its release.

RECOMMENDATION: I recommend that the Attorney General sign the attached MOU. I further recommend that, once finalized, the document be released to Congress and posted on NCFS's public website.

APPROVE:

  
Dated: August 4, 2015

JMD  7/15

DISAPPROVE:

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OTHER:

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